

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the

Sedona Effluent Management Plan
Townsite Act and Arizona National Forest Improvement Act

Sedona Ranger District
Coconino National Forest
USDA Forest Service
Yavapai County, Arizona

Background

The Forest Service has been working with the City of Sedona to resolve their effluent disposal situation. During the last few years this process has remained focused on the acquisition of land by the City of Sedona from the Forest Service.¹ In addition, the acquisition of some high priority private land by the Forest Service became part of the transaction. A decision was made in 1998 to approve the City's acquisition of National Forest System (NFS) land for effluent disposal under the Townsite Act authority. Prior to completing the Townsite Act case, the City and Forest Service determined that a land exchange would better meet objectives for both parties and considered a proposal to exchange the 200 acres originally identified plus an additional 65 acres of Federal land (in two pieces north and south of the City's existing wastewater plant property) for approximately 100 acres of non-Federal land (remaining acreage of the Woo Ranch property) both in the Coconino National Forest, Yavapai County (Exhibits A & B).

In the meantime, the passage of the Arizona National Forest Improvement Act of 2000 (November 7, 2000) created a different set of circumstances for the City of Sedona. It is now more advantageous to the City to use the provisions of this Act to acquire most of the land it needs for the effluent disposal. The Act allows the Secretary of Agriculture to sell to the City of Sedona at fair market value approximately 200 acres of the NFS land needed for the wastewater treatment plant, as well as allow the City to receive credit for fee payments for land being used under special use permit. This Act also allows the monies received from the sale of the land to be deposited in a fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the 'Sisk Act') and used towards the acquisition of land and or an interest in land in the State of Arizona. The Forest Service would use the monies received from the City of Sedona towards the purchase of 100 acres of non-Federal land identified as the Woo Ranch property originally identified in the land exchange proposal. Since the Act did allow the

¹ Legal basis for this transaction is the authority of the National Forest Townsite Act of July 31, 1958 (72 Stat. 438; 7 U.S.C. 1012a, 16 U.S.C. 478a), as amended by the Act of October 21, 1976 (90 Stat. 2760), and the Arizona National Forest Improvement Act of 2000 (P.L. 106-458; 114 Stat. 1983).

fair market value of the Forest Service lands to be reduced by the total amount of special use fees for wastewater treatment facilities paid by the City of Sedona to the Forest Service, the full purchase price of the Woo Ranch would not be available as Sisk Act funds for the Forest Service to purchase this private land. The remaining funds needed to acquire the Woo Ranch would come from the Land and Water Conservation Fund. Approximately 65 acres of NFS land not covered by the Arizona National Forest Improvement Act of 2000 that is needed by the City of Sedona will be sold to the City under the Townsite Act. The funds received under the Townsite Act will return to the National Treasury.

The City of Sedona proposed this transaction in an effort to acquire NFS land adjacent to their wastewater treatment plant to provide adequate long-term effluent disposal capacity for the community. The NFS lands are adjacent to the City-owned property on the north and south. The NFS land involved in this sale is described in Exhibit B. The non-Federal parcel, known as the Woo Ranch is an isolated piece of private property bounded by the Red Rock/Secret Mountain Wilderness and cultural resource sites. This parcel was identified in Amendment 12 of the Coconino National Forest Land and Resource Management Plan as a high priority for acquisition. A 60-acre portion of the Woo Ranch was purchased using Land and Water Conservation funds in August 2000. The land that would be purchased by the United States is described in Exhibit A.

The administrative process used to accomplish the desired landownership has changed from the information presented in the EA (dated August 1998) and the Supplemental EA (dated December 2000). Instead of exchanging the lands, the Forest Service will sell NFS land needed by the City of Sedona for effluent disposal under the Townsite Authority and the Arizona National Forest Improvement Act of 2000. In turn, the monies deposited in the Sisk Act Account and monies received from the Land and Water Conservation Fund will be used by the Forest Service to purchase the remaining land at the Woo Ranch. This is an administrative process change to allow the properties to be transferred, there is no change to the affected environment and therefore, no further scoping will be done for this project.

A portion of the Federal land along State Route 89A has been withdrawn (restricted from other uses) under a Scenic Withdrawal authorities.

The Environmental Assessment (EA) for the Sedona Effluent Management Plan and its Supplemental EA describing the land exchange involving lands within the boundaries of the Coconino National Forest has been completed. The EA and Supplemental EA document the issues associated with the proposed action, evaluates the proposed action and the no action alternative and discloses known environmental impacts. An interdisciplinary team, the City of Sedona staff, and their consultants with public participation did the analysis. The EA, Supplemental EA, and associated files are available at the Southwestern Regional Office and at the Coconino National Forest Supervisor's Office.

This Decision Notice documents my decision about the conveyance of NFS lands to the City of Sedona. Funds derived from the sale to the City under the Arizona National Forest Improvement Act will assist in acquiring high priority private property as identified in the Forest Plan. Conveyance under the Arizona National Forest Improvement Act would allow the City of receive credit for their fee payments and serve the community better by reducing the City's costs associated with the purchase case. This Decision Notice also documents the change in administrative process of transferring the lands to the City of Sedona. This decision will implement a portion of the Coconino National Forest Plan. The Plan indicates the Forest Service will cooperate with local jurisdictions to meet community needs.

Decision and Rationale

Based on the information in the project record, the analysis and evaluation in the EA, and the Supplemental EA, it is my decision to approve and implement a modified version of the Acquisition and Exchange Alternative (Alternative B, identified in the Supplemental EA) which entails selling the identified NFS parcels to the City of Sedona, and acquiring the non-federal piece (Woo Ranch). The City of Sedona will purchase 198.07 acres under the authority of the Arizona National Forest Improvement Act legislation and 68.0 acres under the authority of the Townsite Act.

I considered the following in making my decision:

1. The NFS land proposed for sale is consistent with the Coconino National Forest Land and Resource Management Plan. The land was identified in the Plan (Amendment 12) as base-in-exchange because it was needed by the City of Sedona's to meet effluent treatment needs. Upon conveyance of the non-Federal land to the United States, the newly acquired land will be managed as part of the surrounding Red Cliff Management Area (MA 25) in accordance with the standards and guidelines in the Coconino National Plan. The NFS land being sold to the City will be deleted from the Savannah Management Area (MA 27).
2. The EA and Supplemental EA show that National Forest management and City of Sedona community needs will benefit by this transaction. The modified alternative, with specified mitigation measures, provides the best combination of physical, biological, social, and economic benefits. By proceeding with the sale of 200 acres of NFS land under the Arizona National Forest Improvement Act of 2000, the local area will benefit by the subsequent acquisition of high priority private properties. The EA and the Supplemental EA show that there will be no significant adverse impacts on the quality of the human environment and the transaction is in the public interest. No other critical National Forest resource values and/or programs will be significantly affected.
3. Acquisition of the non-federal land will protect potentially important wildlife habitat, cultural resources and wilderness characteristics for the public. This consolidation of landownership would provide for less fragmentation and more efficient management of wildlife habitat. Under this alternative, the Federal Government would acquire 100 acres of land adjacent to known peregrine falcon foraging areas. In addition, federal acquisition of this acreage prevents residential development of up to 50 home sites under existing Yavapai County zoning and associated infrastructure adjacent to the Palatki cliff dwellings/rock art sites and the Red Rock/Secret Mountain Wilderness. Overall this acquisition will preserve wild land character and natural scenic vistas next to the red cliffs west of Sedona.
4. Acquisition of this isolated holding will save the county the costs of providing expensive services to a small, remote area if the area had been developed for residential or resort uses.

5. Existing permitted uses for utilities and highway purposes on the federal land will be protected by reservation or deed to the holding party. Grazing permittee water sources and corrals have been excluded from the purchase area avoiding impacts to the grazing permit holder.
6. Field reconnaissance has shown no evidence of hazardous materials on the non-Federal tracts. The City of Sedona is willing to place an indemnification clause on the deed to reflect their responsibility for any hazardous materials related to their permitted use of the NFS land for effluent disposal over the last several years.

Public Involvement and Scoping

Scoping for the Sedona Effluent Management Plan/Woo Ranch Land Exchange proposal involved the Interdisciplinary Team (IDT) meetings and public meetings for the initial effluent plan and Townsite Act decision. The Decision Notice/FONSI for the Sedona Effluent Management Plan approving the Townsite Act acquisition of approximately 300 acres of Federal land was signed in December 1998 and no appeals were received on that decision. The City of Sedona then acquired a portion of the Woo Ranch (non-Federal land) and was required to hold a public election to approve a land exchange process with the Forest Service and the measure passed with a vote of 590 yes to 41 no. Interested parties on the Effluent Plan mailing list were sent a letter in June of 2000 seeking comments on the proposed land exchange. Nineteen responses were received, 13 in favor of the land exchange, two parties wanting to remain on the mailing list, and one requesting additional information. Three commenters were opposed to the land exchange stating the non-Federal parcel had an inflated land value. In addition, legal notices were published weekly for four consecutive weeks in January 2001 in the Sedona Red Rock News documenting the proposed land exchange and in a legal notice for the Townsite Act case published in December 1998 and January 1999. The Supplemental EA was available for 30-day public review according to a legal notice published on January 5, 2000 in the Arizona Republic and news releases in the local newspaper. Letters of support for the land exchange were received from 16 people in response to the Supplemental EA, primarily supporting acquisition of the private property. No other comments were received. Informational letters and maps were sent to the Yavapai County Board of Supervisors, the appropriate members of Arizona's Congressional delegation, and the Arizona State Clearinghouse. Issues were identified by the IDT, interested members of the public, and representatives of State and Federal agencies and special interest groups. There were no significant issues that required additional alternatives to be considered. Specific people and agencies involved in the project are documented in the project file. A comment summary for the initial scoping on the proposed land exchange is located in Appendix D of the Supplemental EA, page 6-2. Appendix E also includes a Response to Comments on the Supplemental EA.

Scoping activities for the EA identified the following major issues (EA, pages 1-11 through 1-16). These issues are primarily related to methods of effluent disposal and their effects in each alternative area. No new issues were raised during the scoping on the Supplemental EA/land exchange proposal:

- Effects of disposal methods on water quality. There may be degradation of local and regional surface and ground water supplies, as well as the Verde River and health concerns about downstream water users. The concern also relates to the cumulative water quality effects to the Verde River

watershed and Oak Creek itself, a State designated unique water. *Effects on water quality concerns are discussed in the EA in Chapter 3 (pages 3-29 through 3-38).*

- Effects of disposal methods on existing and future land use. There was a concern about effects on existing grazing activities particularly if riparian habitat or threatened or endangered species habitat were created from discharge alternative. There was also concern about loss of recreation opportunities, scenic resources and conveyance of NFS land to private or City ownership and the future use of those lands once conveyed. *These concerns are discussed in the EA in Chapter 3 (page 3-1 through 3-13). Range use concerns regarding the corrals and stock tank were addressed in the Supplemental EA (page 3-4) by removal of that acreage from the Federal parcel.*
- Effects of disposal methods on native vegetation, wildlife species and wetland/riparian resources. There was concern expressed about the possibility of changing semi-desert grassland to wetlands or riparian and also the possible benefits to wildlife of creating wetland/riparian areas. There was concern about attracting non-indigenous wildlife to the area, as well as, interest and also concerns about the possibility of creating additional habitat for the threatened southwest willow flycatcher. *Wildlife and vegetation concerns were addressed in the EA Chapter 3 (pages 3-17 through 3-23).*
- Possible costs and benefits to the community from alternative disposal methods. This issue relates to the purpose and need for considering any alternative. All alternatives have effects and the City of Sedona is required to provide a sewer treatment system and service to its residents for the long-term, future development of the community and not need additional solutions at some future date. The City as well as sewer users are concerned about the initial capital costs, ongoing operational and maintenance costs, and possible revenue sources of alternative disposal methods and the financial commitment necessary to implement a long-term effluent disposal solution. *Cost and benefit issues were discussed in Chapter 3 of the EA (pages 3-13 through 3-16).*

Several comments (97) were received upon notice and distribution of the Environmental Assessment. Many comments related to the possible golf course development/land exchange (Alternative D of the EA) and its related direct effects on water quality and habitat. Several other comments on the initial EA indicated a strong desire to see the City acquire the Federal land using a land exchange instead of under the Townsite Act authority. There was some concern expressed about scenic quality issues along the State Route 89A scenic highway and Deer Pass Ranch Road (FR89B). *The concerns related to Alternative D were addressed in the Decision Notice and FONSI for the Sedona Effluent Management Plan dated December 17, 1998. Although golf course development could have better addressed cost issues for the City of Sedona, a land exchange proposal had not been developed by the proponent in enough detail for the Forest Service to determine its benefits or consequences. Subsequently, the golf course proponent did not submit an exchange proposal to be considered. The December 1998 Decision Notice approved the City's acquisition of the Federal land under Townsite Authority (Alternative C of the EA) but that alternative had identified land exchange as another tool to acquire the Federal land. Scenic quality concerns were addressed in the mitigation measures of the EA (page 3-43).*

Sixteen comments were received upon notice and distribution of the Supplemental EA. All comments were in support of the land exchange alternative (Supplemental EA, Alternative B). Yavapai County again raised the issue about scenic quality screening that was addressed in the above mitigation measures and expects that use of the NFS land to be effluent disposal. If the City implemented other

uses on the land after the purchase was completed, there would be county plan review and amendments required.

Alternatives Considered

The alternatives in the Supplemental EA include a "no action" alternative and one action alternative that responds to the purpose and need for the action and the identified issues. These alternatives were discussed on Chapter 2 of the Supplemental EA (pages 2-1 through 2-2). Four alternatives were considered under the original Sedona Effluent Management EA. These were discussed in Chapter 2 of the EA (pages 2-1 through 2-12). Alternative C of the EA and Alternative B of the Supplemental EA display the consequences of conveyance of the Federal land. The following describes the alternatives in the Supplemental EA and does not reflect descriptions of alternatives in the original EA.

Exchange/Acquisition Alternative (Alternative B, Supplemental EA)-

- Exchange ownership of approximately 100 acres of non-Federal land (remaining acreage of the Woo Ranch) for approximately 265 acres of Federal land to the City of Sedona for effluent management.
- Protect necessary easements by reservation or deeds to the holding party.

The Non-Federal land includes one parcel (T.18N., R.4E., sections 25 and 36 - 100 acres; within the Coconino National Forest boundaries in Yavapai County.

The NFS land includes two parcels within the Coconino National Forest in Yavapai County, north and south of the City of Sedona's wastewater treatment plant property: (T.17N., R.4E., sections 24, 25, and 36 - 265 acres.)

The Public Land Order Withdrawal for State Highway 89A will not need to be revoked as this type (Forest Roadside Zone) of withdrawal only withdraws lands from entry under the general mining laws.

This decision will amend and supplement the December 1998 Sedona Effluent Management Plan decision, which approved the City's purchase of federal land under the authority of the Townsite Act. This decision approves the City's purchase of 65 additional acres not identified in the 1998 EA and Decision Notice as well as approving the initial purchase now using the authority of the Arizona National Forest Improvement Act.

No Action Alternative

- No exchange of lands would take place. All lands would remain in current ownership.
- The City of Sedona would acquire the Federal land under the authority of the Townsite Act per the previous Decision Notice and FONSI dated December 1998.

Modified Alternative B (Decision) -

- The City of Sedona will purchase the Federal land identified in the 1998 EA/DN under the authority of the Arizona National Forest Improvement Act with funds to be deposited in the Arizona Sisk Act fund. Sedona's special use permit fees will be credited to the purchase amount.
- The remaining Federal land (65 acres) identified in the Supplemental EA will be purchased by the City of Sedona under the authority of the Townsite Act.

- The non-Federal land (100 acres of the Woo Ranch) would be acquired through Arizona Sisk Act and Land and Water Conservation Act funding.

Alternatives Dropped from Detailed Study

No other alternatives were considered in the Supplemental EA.

Findings Required by Other Laws and Regulations

The actions of the selected alternative are consistent with the management emphases of the Coconino National Forest Land and Resource Management Plan and will further the long-term goals and objectives of the Plan. The NFS lands are located in Management Area 27, Savannah, of the Coconino National Forest Plan, which specifically indicates that the land around the City's treatment plant would be considered for land exchange in order to acquire high priority properties, it did recognize that this area may be needed by the City of Sedona for effluent management. The non-Federal parcel is within the boundaries of the Coconino National Forest, within the Land and Resource Plan Management Area 24, Red Cliff, which identified this parcel as a high priority for acquisition. Project implementation will adhere to the standards and guidelines for these management areas and accomplish objectives in these management areas.

It has been determined that the selected alternative is in compliance with the National Forest Townsite Act of July 31, 1958 (72 Stat. 438; 7 U.S.C. 1012a, 16 U.S.C. 478a) as amended by the Act of October 21, 1976 (90 Stat. 2760) and the Arizona National Forest Improvement Act of 2000 (P.L. 106-458; 114 Stat. 1983)

Conveyance of Federal land into private ownership does not conflict with the requirements of Sec. 402(g) of FLPMA (Grazing Permit Holder/Lessee).

No archaeological/cultural values are involved. The exchange does not conflict with the requirements of the National Historic Preservation Act of 1966 and Executive Order 11593. Archeological surveys and reports have been completed for this project and clearances have been granted indicating findings of no effect. Appropriate consultation with the Yavapai-Apache Nation, the Hopi and the Navajo Nation has been completed on this project. No concerns were expressed.

This exchange does not conflict with Executive Order 11988 regarding Floodplain management and Executive Order 11990 regarding Wetland management.

No threatened, endangered, or sensitive species of animals or plants, or habitat are involved. Biological Assessments and Evaluations were completed for this project. The exchange does not conflict with the requirements of the Endangered Species Act of 1973, as amended.

No caves are involved; therefore, this exchange does not conflict with the intent of the Federal Cave Resources Protection Act of November 18, 1988.

The NFS lands and non-Federal land have been examined for evidence of hazardous materials in accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERLA) (42 U.S.C. 9601), as amended. No evidence was discovered indicating the likelihood of contamination on the NFS lands or non-Federal land. No evidence was found to indicate that any hazardous material was stored for one year or more or disposed of or released on the properties. However, since the City of Sedona has been using a portion of the NFS lands under special use permit for effluent disposal, they have agreed to add an indemnification clause to the deed for that use.

A formal mineral report concluded that there is nil potential for locatable minerals on the NFS lands and non-Federal land. There is nil to low potential for oil and gas, nil potential for other leasable (including energy) minerals, and low to moderate potential for common variety minerals.

Significance / Findings

Based on my review of this EA, Supplemental EA and the supporting record, I have determined that my decision does not constitute a major Federal action significantly affecting the quality of the human environment, as defined by the provisions of 40 CFR 1508.27(b). Therefore, it is my decision that an Environmental Impact Statement (EIS) is not necessary and will not be prepared. My rationale for this determination is documented in the following discussion.

Context

Based upon the size and location of the lands proposed for exchange, no significant adverse or beneficial effects internationally, nationally, region wide, or statewide are anticipated. Because the non-Federal lands will experience little change as a result of my decision, no significant impacts, either beneficial or adverse, are expected.

The City of Sedona has indicated that they intend to continue the existing effluent disposal uses of the NFS lands, possibly adding basin features and irrigation on the lands not currently included in the special use permit. They do not foresee at this time changing the use of the Federal land as this acreage was determined to be the minimum necessary to meet the long-term effluent disposal needs for the community. Treatment plant upgrades are being completed at this time to accommodate additional effluent disposal, which can only be disposed of by using the NFS lands. Little change in use will occur on the NFS lands as a result of this conveyance.

Intensity

The following discussion is organized around the Ten Significance Criteria described in the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR 1508.27). The discussion of the significance criteria applies to the intended action and is within the context of local importance in the area associated with the Sedona Ranger District of the Coconino National Forest.

1. *Consideration of the beneficial and adverse environmental impacts.* Both beneficial and adverse environmental effects are discussed in Chapter 3 of the EA and the Supplemental EA. None of the environmental effects were determined to be significant, singularly or in combination.

2. *Consideration of the effects on public health and safety.* The project has little or no effect on public safety or health. Use of the Federal land for effluent disposal will be in compliance with Arizona Department of Environmental Quality regulations and permits to protect public health. Yavapai County will have oversight of this area upon consummation of the land exchange and would require compliance with area community plans. The City of Sedona has committed to addressing county concerns for scenic quality and has monitoring facilities in place to ensure water quality standards are met.
3. *Consideration of the unique characteristics of the geographic area.* The non-Federal parcel is located adjacent to known historic or cultural resources and the Red Rock/Secret Mountain Wilderness area. Acquisition of this parcel will help preserve and protect these resources from the indirect effects of private residential development. There are no known parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas in these parcels. The NFS land is not unique within its geographic setting and is generally similar to many others areas of National Forest System and private land in the area.
4. *Consideration of the degree to which effects are likely to be highly controversial.* Many comments were received during the initial EA development process, however comments on the Supplemental EA were all in support of the land exchange, as a means to meet City of Sedona needs and National Forest interests. This is not being processed as a land exchange; however, the City of Sedona will acquire the NFS land and the Forest Service will acquire the non-Federal land as separate actions. State and Federal agencies were contacted, as were environmental groups, local governments, and citizens. The concerns of these agencies and individuals and organizations have been incorporated into the analysis. There has been no information presented by experts, which indicates that there are potentially controversial effects.
5. *Consideration of the degree to which effects are uncertain or unknown.* My decision is similar to many past actions in the Southwestern Region of the Forest Service. Effects of this action will be similar to the effects of past similar actions. Townsite Act sales and Land and Water Conservation Fund purchases have occurred in the Region for quite some time and their effects are relatively well understood. Based on the results of past actions, combined with professional insight, there are no known or expected effects on the human environment that are highly uncertain or involve risk as a result of implementing this proposal.
6. *Consideration of the degree to which this action will set a precedent for future actions with significant effects.* My decision to transfer land to the City of Sedona does not establish any future precedent for other actions that may have significant effects. Future Federal actions will be analyzed based upon their own merits and analyses of effects. My decision neither establishes a precedent for future actions nor represents a principle about future considerations.
7. *Consideration of the action as related to other actions with cumulatively significant impacts.* No other Forest Service actions are connected to or dependent upon accomplishment of these land purchases. Contributions toward cumulative effects have been considered as part of the analysis as discussed in EA Chapter 3, pages 3-50 through 3-54 and in the Supplemental EA, pages 3-28 through 3-32. Analysis indicates that both individual and cumulative effects are not significant.

8. *Consideration of the degree to which the action may affect cultural sites, listed in or eligible for the National Register of Historic Places.* This action will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historic resources. No cultural resources eligible for inclusion on the National Register were found during surveys of the NFS lands.
9. *Consideration of the degree to which the action may affect threatened, endangered, and sensitive species, or habitat.* There will be no effect on any federally listed threatened or endangered species or habitat. Biological Assessments and Evaluations and amendments to them have been completed for this project. While no studies were conducted on the non-Federal parcels, foraging habitat for recently de-listed peregrine falcon is present in nearby Forest Service managed canyons on the Sedona Ranger District.
10. *Consideration of whether the action violates Federal, State, or local laws or requirements imposed for the protection of the environment.* To the best of my knowledge, this proposal is in compliance with all Federal, State, and local law requirements. Local county and town governments were consulted on this project, as were State Agencies (Supplemental EA, page 5-1). Respondents were supportive of this project. See section "Findings Required by other Laws and Regulations," above.

Public Interest Determination

I have determined that the public interest will be well served by this exchange. I have considered the following factors in making this determination.

- Transfer of the NFS land to the City will provide for a public need of an expanding community.
- Acquisition will achieve better management of Federal lands and resources;
- Acquisition will consolidate National Forest System land for more logical and efficient management;
- Acquisition will enhance dispersed recreation opportunities and public access;
- Acquisition will implement the Forests' Land and Resource Management Plan;
- Acquisition will protect the visual landscape important to the surrounding NFS land;

No significant structures are present on the tracts. The Land Transaction Screening Process Summaries have been completed. No hazardous substances or other contaminants have been identified.

Implementation Date

This project will not be implemented sooner than five business days following the close of the appeal filing period established in the notice of decision in the Arizona Republic. If an appeal is filed, implementation will not begin sooner than 15 calendar days following a final decision on the appeal.

Appeal Rights

This decision is subject to administrative review pursuant to 36 CFR 215. Any appeal must be consistent with 36 CFR 215.14, Content of an Appeal, including the reasons for appeal. The appeal must be in writing and postmarked or received by the Chief, USDA Forest Service, and P.O. BOX 96090 WASHINGTON, DC 20090-609, within 45 days of the date of publication of the legal notice of this decision in the Arizona Republic.

Information Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact the Director of Lands and Minerals, Wayne Thornton, Southwestern Region, USDA Forest Service, 517 Gold, SW, Albuquerque, New Mexico 87102, (505) 842-3271 or the Forest Supervisor, Jim Golden, Coconino National Forest, 2323 E. Greenlaw Lane, Flagstaff, AZ 85004, (520) 527-3600.

Signature and Date

/s/ H. Wayne Thornton

09/27/2001

H. WAYNE THORNTON
Director of Lands and Minerals
Southwestern Region
USDA Forest Service

Date

Attachments:

Exhibit A - Legal Descriptions: non-Federal Land
Exhibit B - Legal Description: NFS Land
Appendix E – Response to Public Comments

Exhibit A

The non-Federal lands to be acquired through a subsequent purchase process under the authority of the Arizona Sisk Act and the Land and Water Conservation Fund are described as:

GILA AND SALT RIVER MERIDIANT. 18 N., R. 4 E.

sec. 25 – SW¹/₄NW¹/₄SW¹/₄, SW¹/₄SW¹/₄, S¹/₂SE¹/₄SW¹/₄,

sec. 36 – NW¹/₄NE ¹/₄NW¹/₄, N¹/₂NW¹/₄ NW¹/₄.

Containing 100.00 record acres, more or less, in the Coconino National Forest, and Yavapai County, Arizona.

Exhibit B

LAND TO BE CONVEYED TO CITY OF SEDONA**COCONINO NATIONAL FOREST****Acres****Sedona Ranger District**

Townsite Act

GILA AND SALT RIVER MERIDIAN, Yavapai County, Arizona

T. 17 N., R. 4 E.

sec. 25 -- SW $\frac{1}{4}$, except that portion lying southeasterly of the centerline of Arizona State Highway No. 89;	28.00
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sec. 36 -- NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, except that portion lying westerly and northwesterly of a forest road within the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.	4.86
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Containing 32.86 scaled and computed acres, more or less.

Arizona National Forest Improvement Act

GILA AND SALT RIVER MERIDIAN, Yavapai County, Arizona

T. 17 N., R. 4 E.

sec. 24 -- S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$;	40.00
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sec. 25 -- SW $\frac{1}{4}$, except that portion lying northwest of the centerline of Arizona State Highway No. 89;	132.87
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sec. 36 -- NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, except that portion lying easterly and southeasterly of a forest road within the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.	60.34
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Containing 233.21 scaled and computed acres, more or less.

Total Acreage to be acquired by the City of Sedona:

Containing 265.00 record acres (266.07 surveyed acres), more or less.

APPENDIX E

Response to Public Comments

Sedona Effluent Management Plan

Supplemental Environmental Assessment

August 2001

A Notice of Availability of the Sedona Effluent Management Plan Supplemental Environmental Assessment (EA) was printed in the Arizona Republic on January 5, 2001. The 30-day comment period started at the time of publication and ended on February 5, 2000. The Supplemental EA described the effects of the proposed land exchange with the City of Sedona beyond the conveyance of the Federal land, which had been described in the original EA. The Coconino National Forest received sixteen letters of comment during the comment period.

Fifteen of the sixteen letters were written by individuals and groups from the surrounding area that expressed support for the land exchange proposal without reservation. Representatives of Keep Sedona Beautiful, the Red Rock-Dry Creek Community Plan Committee, and several residents of Sedona wrote these letters.

Response: These letters indicate concurrence with the Purpose and Need for this project and that the proposed land exchange is the appropriate tool in accomplishing effective Effluent Disposal for the City of Sedona.

A letter was also received from the Yavapai County Planning and Building Department. This letter stated that the County has no objections to the proposed land exchange if original scenic quality mitigation is done on the Federal parcel as described and future use of the Federal land remains as described in the EA.

Response: Yavapai County regulations will apply to the Federal land upon completion of the land exchange. The City of Sedona will be required to comply with the County's requirements that could include visual screening of facilities and activities associated with effluent disposal. In addition, any changes in the use of the Federal land would also require approval from Yavapai County. The City of Sedona has indicated that they do not foresee using the Federal land for any uses other than for expansion of their wastewater plant.

No other comments were received that would require additional analysis or changes in the EA or supplemental EA document.

The City of Sedona after the 30-day comment period determined that it was in their best interest to proceed with a direct purchase of the federal land. They were informed that wording in recent legislation (Arizona National Forest Improvement Act) would not allow for their special use permit fees to be credited under the land exchange proposal. To resolve this issue, it was determined that this case would be completed by a direct purchase under the Townsite Act authority and the legislation. An analysis of changed circumstances was completed and is documented in the project record. It was determined that there was no change in consequences and additional public scoping or analysis was required.

